

ENTERED

October 27, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

JUST ENERGY GROUP INC., *et al*Debtors in a Foreign Proceeding,¹

)
) Chapter 15
)
) Case No. 21-30823 (MI)
)
)
) (Jointly Administered)
)

STIPULATION AND ORDER REGARDING REDUCTION OF SUPERSEDEAS BOND

The above-captioned debtors (the “Debtors”) and Davina Hurt and Dominic Hill, individually and on behalf of those similarly situated class members (the “Hurt Judgment Creditors”) and together with the Debtors, the “Parties”) hereby enter into this stipulation and order (this “Stipulation and Order”) as follows:

WHEREAS on September 29, 2021, the Debtors filed the *Debtors’ Motion to Authorize and Direct Termination of Supersedeas Bond* [Docket No. 134] (the “Motion”)²;

WHEREAS on October 20, 2021, the Hurt Judgment Creditors filed the *Hurt Judgment Creditors’ (Individual and as Class Representatives) Response in Opposition to Debtors’ Motion to Authorize and Direct Termination of Supersedeas Bond* [Docket No. 144] (the “Response”); and

WHEREAS on October 22, 2021, the Parties mutually agreed to adjourn the hearing on the Motion to **October 28, 2021 at 1:30 p.m. (prevailing Central Time)**.

¹ The identifying four digits of Debtor Just Energy Group Inc.’s local Canada tax identification number are 0469. Due to the large number of debtor entities in these chapter 15 cases, for which joint administration has been granted, a complete list of the debtor entities and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at www.omniagentsolutions.com/justenergy (the “Omni Webpage”). The location of the Debtors’ service address for purposes of these chapter 15 cases is: 100 King Street West, Suite 2360, Toronto, ON, M5X 1E1.

² Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Motion.

NOW, THEREFORE, IT IS STIPULATED BY THE PARTIES AND HEREBY ORDERED THAT:

1. The Debtors stipulate that the total amount of outstanding uncashed checks issued to the Hurt Judgment Creditors pursuant to the Judgment is less than \$510,000.

2. Fidelity and Deposit Company of Maryland is authorized and directed to reduce the amount of the Bond from \$5.6 million to \$600,000 within five (5) business days of entry of this Stipulation and Order.

3. The Bond, as reduced, shall remain in place through March 31, 2022, at which time the Bond shall automatically be terminated and released entirely without any action from any person or court, subject only to the terms of this Stipulation and Order.

4. All payments made by the Debtors to satisfy the Judgment, including those payments already cleared, those still outstanding and any that are re-issued, are and shall continue to be authorized under the Canadian Proceeding and in these chapter 15 cases under all applicable provisions of title 11 of the United States Code, and are final, binding payments not subject to rescission, avoidance, or clawback.

5. No later than January 10, 2022 at 11:50 p.m. (prevailing Eastern Time), the Debtors shall provide to counsel to the Hurt Judgment Creditors an accounting summary of currently outstanding and uncashed payments issued to the Hurt Judgment Creditors.

6. The Parties shall work in good faith to establish an agreed upon process for distribution of any unclaimed funds that remain after the expiration date of any check, subject to the Debtors' obligations under applicable state escheatment laws, if any, and present such process to the United States District Court for the Northern District of Ohio (the "Ohio District Court") for approval no later than January 17, 2022. The automatic stay in the Canadian Proceeding and these chapter 15 cases, to the extent applicable, shall be and is hereby lifted solely to permit the Ohio

District Court to approve the proposed distribution plan or such other process for distribution of funds as the Ohio District Court deems appropriate.

7. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and/or enforcement of this Stipulation and Order.

Signed: October 26, 2021



Marvin Isgur
United States Bankruptcy Judge

IN WITNESS WHEREOF, the Parties, by their authorized counsel, executed this Stipulation and Order as of the date written below.

Houston, Texas
October 26, 2021

Respectfully Submitted,

/s/ Matthew D. Cavanaugh

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